

Attorneys for Defendants K-M Industries Holding Co. Inc.; K-M Industries Holding Co. Inc. ESOP Plan Committee; and CIG ESOP Plan Committee

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

THOMAS FERNANDEZ, LORA SMITH and TOSHA THOMAS, individually and on behalf of a class of all others similarly situated,)	Case No. C06-07339 CW
)	
)	DEFENDANTS K-M INDUSTRIES
)	HOLDING CO., INC., K-M
)	INDUSTRIES HOLDING CO. INC.
Plaintiffs,)	ESOP PLAN COMMITTEE AND CIG
v.)	ESOP PLAN COMMITTEE'S
)	ADMINISTRATIVE MOTION TO
K-M INDUSTRIES HOLDING CO., INC., <i>et al.</i> ,)	FILE DOCUMENTS UNDER SEAL
)	
)	CIVIL LOCAL RULE 79-5(b) AND (c)
Defendants.)	
)	

Pursuant to Local Rules 7-11 and 79-5(b) and (c), defendants K-M Industries Holding Co., Inc., K-M Industries Holding Co., Inc. ESOP Plan Committee and CIG ESOP Plan Committee (“KMH defendants”) hereby move this Court for an order permitting defendants to file portions of the Declaration of Dan Stritmatter in Support of KMH defendants’ Notice of Motion and Motion for Summary Judgment and Memorandum of Points and Authorities, with attached documents; Declaration of Peter Cazzolla in Support thereof, with attached documents; Declaration of Joseph Cristiano in Support thereof, with attached documents; and the Declaration of Stephen Ferrari in

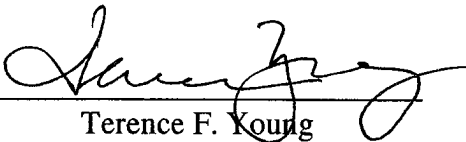
1 Support thereof, with attached documents, under seal.

2 This application is made because certain testimony in said Declarations and documents
3 submitted as exhibits to the Declarations are either privileged or confidential, or both, as set out in
4 more detail in the Declaration of Terence F. Young in Support of KMH Defendants' Administrative
5 Motion to File Documents Under Seal, filed and served herewith. Defendants have electronically
6 filed redacted versions of the above-referenced documents. Pursuant to Local Rule 79-5(b) and (c),
7 defendants also have lodged unredacted versions of the referenced documents, with the sealable
8 portions of the documents properly highlighted, with the Clerk of the Court. Defendants have
9 served plaintiffs and the other defendants with unredacted versions of the documents by hand
10 delivery.

11 Dated: June 26, 2008

Respectfully submitted,

LOVITT & HANNAN, INC.

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13 By: 
14 Terence F. Young

15 Attorneys for Defendants K-M Industries
16 Holding Co., Inc.; K-M Industries Holding Co.,
17 Inc. ESOP Plan Committee; and CIG ESOP
18 Plan Committee
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